

December 16, 2015

The Public Service Commission convened in the Commission Hearing Room, State Capitol, Bismarck, North Dakota, on December 16, 2015, 10:00 a.m. Present were Commissioners Fedorchak, Christmann and Kalk.

Minutes

Ms. Fedorchak: I move the minutes of December 2, 2015 be approved.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-694
ONEOK Bakken Pipeline, L.L.C.
16-Inch NGL Pipeline –
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission issue a Corrected Notice of Filings and Public Hearing in ONEOK Bakken Pipeline, L.L.C., 16-Inch NGL Pipeline – McKenzie County, Siting Application, Case No. PU-15-694.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-15-187
Gas Pipeline Safety
Rulemaking

Ms. Fedorchak: I move the Commission propose the attached revisions to the North Dakota Administrative Code, issue a Notice of Intent to Amend Administrative Rules and Notice of Public Hearing, and issue an abbreviated Notice of Intent to Amend Administrative Rules and Notice of Public Hearing for publication in each official county newspaper throughout the state as required by law, in Public Service Commission, Gas Pipeline Safety, Rulemaking, Case No. GS-15-187, and Public Service Commission, Reclamation, Rulemaking, Case No. RC-15-737. Chapter 69-09-03, Pipeline Safety, Section 69-09-03-02, Adoption of Regulations Article 69-05.2, Surface Coal Mining and Reclamation Operations

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. RC-15-737
Reclamation
Rulemaking

Case No. PU-15-788
FERC RP15-1022 Alliance Pipeline
PSC Comments / Interventions

Ms. Fedorchak: I move the Commission submit its Motion to Intervene Out of Time to the Federal Energy Regulatory Commission related to the Alliance Pipeline L.P. May 29, 2015 filing proposing revisions to its tariffs, Public Service Commission, FERC RP15-1022 Alliance Pipeline L.P., PSC Comments / Interventions.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-825
Bakken Oil Express, LLC
16-Inch Crude Oil Pipeline/
Dunn & Stark Counties
Siting Application

Ms. Fedorchak: I move the Commission execute a contract with ProSource Technologies, LLC for construction inspection services in Bakken Oil Express, LLC, 16-Inch Crude Oil Pipeline/Dunn & Stark Counties, Siting Application, Case No. PU-13-825.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-615
Midstate Communications /
North Dakota Tel. Co.
Local Exchange
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Midstate Communications / North Dakota Telephone Co., Local Exchange, Public Convenience & Necessity, Case No. PU-15-615, and Midstate Communications / North Dakota Telephone Co., Designated Eligible Carrier, Application, Case No. PU-15-616.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-616
Midstate Communications /
North Dakota Tel. Co.
Designated Eligible Carrier
Application

Case No. PU-11-601
Thunder Spirit Wind, LLC
150 MW Wind Energy Project –
Adams County
Siting Application

Ms. Fedorchak: I move the Commission execute a contract amendment extending construction inspection contract number PU-687-13-EE for two years in Thunder Spirit Wind, LLC, 150 MW Wind Energy Project – Adams County, Siting Application, Case No. PU-11-601.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-11-696
Basin Electric Power Cooperative
345 kV Trans. Line - Mercer,
Dunn, McKenzie, Williams
Siting Application

Ms. Fedorchak: I move the Commission acknowledge staff approval issued December 3, 2015 of a transmission line structure location request filed December 3, 2015 in Basin Electric Power Cooperative, 345 kV Transmission Line, Mercer, Dunn, McKenzie, Williams, Siting Application, Case No. PU-11-696.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-664
On Grade Excavation LLC
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission close Public Service Commission, On Grade Excavation LLC, Damage Prevention Enforcement, Case No. PU-14-664.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GS-14-725
MBC Corp.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission find the December 10, 2015 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case and serve the complaint on the Respondent in Public Service Commission, MBC Corp., Damage Prevention Enforcement, Case No. GS-14-725.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-757
Wagner Construction, Inc.
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission find the December 10, 2015 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-14-757.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-760
Wagner Construction, Inc.
(Maintain Markings)
Damage Prevention Enforcement

Ms. Fedorchak: I move the Commission find the December 10, 2015 Complaint filed by the North Dakota Public Service Commission Advocacy Staff states a prima facie case and serve the complaint on the Respondent in Public Service Commission, Wagner Construction, Inc., Damage Prevention Enforcement, Case No. PU-14-760.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-810
Northern States Power Company
Advance Prudence - 187 MW Solar
Energy Portfolio
Application

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Northern States Power Company, Advance Prudence – 187 MW Solar Energy Portfolio, Application, Case No. PU-14-810.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-95
Northern States Power Company
Advance Prudence - 100 MW Aurora
Solar, LLC
Application

Ms. Fedorchak: I move the Commission adopt the Order Granting Protection of Information in Northern States Power Company, Advance Prudence – 100 MW Aurora Solar, LLC, Application, Case No. PU-15-95.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-698
Otter Tail Power Company
Canadian Pacific Railroad –
Richland County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission adopt the Order on Certificate of Public Convenience and Necessity in Otter Tail Power Company, Canadian Pacific Railroad – Richland County, Public Convenience & Necessity, Case No. PU-15-698.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-749
Otter Tail Power Company
Robert Lange - Ramsey County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Otter Tail Power Company, Robert Lange – Ramsey County, Public Convenience & Necessity, Case No. PU-15-749.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-95
Northern States Power Company
Advance Prudence - 100 MW Aurora
Solar, LLC
Application

Ms. Fedorchak: I move the Commission amend the application fee refund from \$172,594.32 to \$172,561.32 in Northern States Power Company, Advance Prudence – 100 MW Aurora Solar, LLC, Application, Case No. PU-15-95.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-753
Montana-Dakota Utilities Co.,
a Division of MDU
Seth Forster - Stark County
Public Convenience & Necessity

Ms. Fedorchak: I move the Commission issue a Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Seth Forester - Stark County, Public Convenience & Necessity, Case No. PU-15-753.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-486
Hiland Crude, LLC
Alexander Tank Farm Crude Oil
Pipeline-McKenzie
Siting Application

HOLD OVER

Case No. PU-15-614
Plains Pipeline, L.P.
Highway 1804 Re-Route North
Pipeline Project
Siting Application

Ms. Fedorchak: I move the Commission adopt the Findings of Fact, Conclusions of Law and Order in Plains Pipeline, L.P., Highway 1804 Re-Route North Pipeline Project, Siting Application, Case No. PU-15-614.

Mr. Kalk: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-720
Tesoro High Plains Pipeline
Company LLC
12-inch Crude Oil Pipeline –
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the applications for certificate of corridor compatibility and a route permit, and further move the Commission issue a Notice of Filings and Public Hearing in Tesoro High Plains Pipeline Company LLC, 12-inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-720.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-733
Oasis Midstream Services LLC
10.75-inch Crude Oil Pipeline -
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission deem complete the applications for a certificate of corridor compatibility and a route permit and issue a Notice of Filings and Public Hearing in Oasis Midstream Services LLC, 10.75-inch Crude Oil Pipeline – McKenzie County, Siting Application, Case No. PU-15-733.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. GE-15-786
Standard Commodity Management
LLC
Roving Grain Buyer - Omaha, NE
License Application

Mr. Christmann: I move the Commission adopt the Order Granting License Application in Standard Commodity Management LLC, Roving Grain Buyer – Omaha, NE, License Application, Case Number GE-15-786.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-840
Montana-Dakota Utilities /
Otter Tail Power Co.
345kV Transmission Line –
Dickey County
Siting Application

Mr. Kalk: I move the Commission adopt the Supplemental Order authorizing route and corridor modifications in Montana-Dakota Utilities Co. / Otter Tail Power Company, 345 kV Transmission. Line – Dickey County, Siting Application, Case No. PU-13-840.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-14-738
FERC Docket Nos ER14-2850 &
ER14-2851 SPP
PSC Comments / Interventions

Mr. Kalk: I move the Commission file with the Federal Energy Regulatory Commission its Supporting Comments of the North Dakota Public Service Commission in FERC Docket Nos. ER14-2850 & ER14-2851, Intervention, Case No. PU-14-738.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-514
Northern States Power Company
Deferred Accounting –
Fargo MGP Project
Application

Mr. Kalk: I move the Commission approve the Application for deferred accounting as outlined in the Company's November 19, 2015 Jurisdictional Cost Allocation and Partial Funding Proposal in Northern States Power Company, Deferred Accounting – Fargo MGP Project, Application, Case No. PU-15-514.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-592
Thunder Spirit Wind /
Montana-Dakota Utilities Co.
Transfer of Site Certificate
Siting Application

Mr. Kalk: I move the Commission adopt the Order reissuing First Amended Site Certificate No. 35 in Thunder Spirit Wind, LLC / Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Transfer of Site Certificate, Siting Application, Case No. PU-15-592.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-661
Otter Tail Power Company
Transmission Facility Cost Recovery
(2016)
Rates

Mr. Kalk: I move the Commission approve the December 4, 2015 revised filing of Otter Tail Power Company, Transmission Facility Cost Recovery (2016), Rates, Case No. PU-15-661.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-633
Northern States Power Company
Electric Metering and Testing
Modification
Tariff

Mr. Kalk: I move the Commission approve the Order on Electric Metering and Testing Modifications Tariff in Northern States Power Company, Electric Metering and Testing Modifications, Tariff, Case No. PU-15-633.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-683
Northern States Power Company
Renewable Resource Cost Recovery
(2016)
Rates

Mr. Kalk: I move the Commission approve the Renewable Energy Rider Adjustment Factor of 0.0936 cents per kWh in Northern States Power Company, Renewable Resource Cost Recovery (2016), Rates, Case No. PU-15-683.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-684
Northern States Power Company
Transmission Facility Cost Recovery
(2016)
Rates

Mr. Kalk: I move the Commission approve the revised November 30, 2015 filing of Northern States Power Company, Transmission Facility Cost Recovery (2016), Rates, Case No. PU-15-684.

Ms. Fedorchak: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-704
Montana-Dakota Utilities Co.,
a Division of MDU
Generation Resource Cost Recovery
Tariff and Rates

Mr. Kalk: I move the Commission issue a Notice of Hearing in Montana-Dakota Utilities Co.'s application for an update to the Generation Resource Cost Recovery, Tariff and Rates, Case No. PU-15-704.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-740
FERC Docket No. ER16-209 SPP
PSC Comments / Interventions

Mr. Kalk: I move the Commission file with the Federal Energy Regulatory Commission its Motion to Submit Comments Out-of-Time and Comments of the North Dakota Public Service Commission in FERC Docket No. ER16-209, PSC Comments / Intervention, Case No. PU-15-740.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-747
Montana-Dakota Utilities Co.,
a Division of MDU
2015 Transmission Facility Cost
Recovery
Rates

Mr. Kalk: I move the Commission suspend the tariff filing, assess a \$10,000 filing fee and issue a Notice of Filing and Notice of Opportunity for Hearing in Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., 2015 Transmission Facility Cost Recovery, Rates, Case No. PU-15-747.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-12-813
Northern States Power Company
2013 Electric Rate Increase
Application

Mr. Kalk: I move the Commission appoint John Schuh as advocacy staff effective 1 September 2015, in the captioned Northern State's Power Company's Cases., PU-12-813; PU-13-706; PU-13-707; PU-13-708; PU-13-742; PU-13-743; PU-13-194; PU-13-195.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-13-194
Northern States Power Company
Advance Prudence - NG Generators
Application

Case No. PU-13-195
Northern States Power Company
Red River Valley NG Units 1 & 2 -
Hankinson, ND
Public Convenience & Necessity

Case No. PU-13-706
Northern States Power Company
Advance Prudence - Courtenay Wind
Application

Case No. PU-13-707
Northern States Power Company
Advance Prudence - Odell Wind Pjc
Application

Motion Continued

Case No. PU-13-708
Northern States Power Company
Advance Prudence-Pleasant Valley
Application

Case No. PU-13-742
Northern States Power Company
Advance Prudence - Border Winds
Application

Case No. PU-13-743
Northern States Power Company
150 MW Border Winds Project –
Rolette County, ND
Public Convenience & Necessity

Case No. PU-15-703
Montana-Dakota Utilities Co.,
a Division of MDU Re
Renewable Resource Cost Recovery
Tariff and Rates

Ms. Fedorchak: I move the Commission appoint Victor Schock and John Schuh as advocacy staff effective October 26, 2015, in Public Service Commission, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Renewable Resource Cost Recovery, Tariff and Rates, Case No. PU-15-703.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-704
Montana-Dakota Utilities Co.,
a Division of MDU Re
Generation Resource Cost Recovery
Tariff and Rates

Ms. Fedorchak: I move the Commission appoint Victor Schock and John Schuh as advocacy staff effective October 26, 2015, in Public Service Commission, Montana-Dakota Utilities Co., a Division of MDU Resources Group, Inc., Generation Resource Cost Recovery, Tariff and Rates, Case No. PU-15-704.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

2015 - 2017 Indirect Cost Rate

Ms. Fedorchak: I move the Commission acknowledge and accept the 2015 – 2017 negotiated indirect cost rate received from the U.S. Department of Interior on December 11, 2015. The Commission further authorizes the Accounting Manager to sign the negotiated indirect cost rate agreement and return to the U.S. Department of Interior.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

Case No. PU-15-720
Tesoro High Plains Pipeline
Company LLC
12-inch Crude Oil Pipeline –
McKenzie County
Siting Application

Ms. Fedorchak: I move the Commission request the Director of the Office of Administrative Hearings to appoint the designated Administrative Law Judge to preside as a substantive hearing officer in Tesoro High Plains Pipeline Company LLC, 12-inch Crude Oil Pipeline, McKenzie County, Siting Application, Case No. PU-15-720.

Mr. Christmann: I second the motion.

Roll Call: All voting "Aye."

ATTEST

THE COMMISSION ADJOURNED AT 12:18 P.M.

Executive Secretary

Julie Fedorchak, Chairman